

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

UNITED STATES OF AMERICA, )  
                                )  
                                )  
v.                             )                           1:02-cr-14-CLC  
                                )  
LARRY SWAFFORD             )

**MEMORANDUM AND ORDER**

LARRY SWAFFORD (“Defendant”) initially appeared for a hearing on August 16, 2017, in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Petition for a Warrant or Summons for an Offender Under Supervision (“Petition”). Defendant was placed under oath and informed of his constitutional rights. It was determined that Defendant wished to be represented by an attorney and he qualified for appointed counsel Doc. 81]. Federal Defender Services of Eastern Tennessee was appointed to represent Defendant. It was also determined that Defendant had been provided with and reviewed with counsel a copy of the Petition.

The Government moved that Defendant be detained without bail pending his revocation hearing. Defendant waived having a preliminary hearing, but requested a detention hearing and time to prepare for said detention hearing. Defendant was temporarily detained until his detention hearing.

At the detention hearing, Levi Swafford, Tirannie Swafford, and Barbara Greer testified on behalf of Defendant and were cross-examined by the Government. Dakoda Newman, who was appointed counsel as a material witness, and U.S. Probation Officer Cornell Mitchell testified on behalf of the Government. Both parties presented their respective arguments, which were fully considered by the Court.

Based upon the Petition and Defendant’s waiver of preliminary hearing, the Court finds there is probable cause to believe Defendant has committed a violation of his conditions of supervised release as alleged in the Petition.

As addressed in greater detail during the detention hearing, and pursuant to Fed. R. Crim. P. 32.1(a)(6), the Court finds Defendant has not carried his burden to establish by clear and convincing evidence that he will not pose a danger to any other person or to the community.

Accordingly, it is **ORDERED** that:

- (1) Defendant shall appear for a revocation hearing before U.S. District Judge Collier.
- (2) The Government’s motion that Defendant be **DETAINED WITHOUT BAIL** pending his revocation hearing before Judge Collier is **GRANTED**.

(3) The U.S. Marshal shall transport Defendant to a revocation hearing set **before District Judge Collier at 2:00 p.m. on Wednesday, September 6, 2017.**

SO ORDERED.

ENTER.

s/ Susan K. Lee

SUSAN K. LEE  
UNITED STATES MAGISTRATE JUDGE